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Federal Communications Commission

DA 96-1931

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 96-114
Table of Allotments,) RM-8786
FM Broadcast Stations.)
(Fort Bragg and Willits, California))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 15, 1996

Released: November 22, 1996

By the Chief, Allocations Branch:

1. The Commission considers herein the *Notice of Proposed Rule Making*, 11 FCC Rcd 6379 (1996), issued in response to a petition filed on behalf of Henry Radio Company ("petitioner"), licensee of Station KLLK-FM, proposing the reallocation of Channel 228B from Fort Bragg to Willits, California, as that community's first local commercial FM service,¹ and modification of its license accordingly.² Petitioner filed supporting comments in response to the *Notice*. No other comments were received.

2. As announced in the *Notice*, petitioner's proposal, filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules, would provide an additional local transmission outlet to Willits (population 5,027),³ an incorporated community containing its own governmental structure, municipal services, police department, unified school district, as well as a library and medical facilities. Petitioner advocates that its proposal will enable it to maximize the coverage potential of Station KLLK-FM, a benefit which is not obtainable at Fort Bragg due to the

¹As stated in the *Notice*, noncommercial educational Station KZYZ(FM), Channel 218B1 (File NO. BLED-950501KA) is licensed to Willits, as is petitioner's Station KLLK(AM), which operates full time. Although petitioner advised that Station KZYZ(FM) repeats the programming of Station KZYX(FM), Channel 214B1, Philo, California, and therefore provides no local programming to the Willits area, Commission records indicate that while Station KZYZ(FM) was granted a waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, to operate as a "satellite" of Station KZYX(FM), the primary obligation of a broadcast licensee, including a satellite station, is to serve the local problems, needs and interests of its community of license.

²The *Notice* also advised that Station KLLK-FM currently operates on Channel 244A. However, its license was modified to specify operation on Channel 244B in MM Docket No. 90-599. See 6 FCC Rcd 5817 (1991). Station KLLK-FM's license was subsequently modified to specify operation on Channel 228B in lieu of Channel 244B at Fort Bragg in MM Docket No. 92-86 to accommodate a rule making proposal at Paradise, California. See 7 FCC Rcd 5939 (1992).

³Population figures reported herein were taken from the 1990 U.S. Census.

unavailability of a suitable transmitter site to accommodate the full coverage capacity of Channel 228B. Moreover, petitioner asserts that the reallocation will enable it to provide Willits with local programming designed to meet the needs and interests of that community. Although implementation of the petitioner's proposal will result in a loss area of 502 sq. kilometers containing 2,623 persons, it will also enable it to provide service to a gain area of 3,628 sq. kilometers containing 34,483 persons.⁴ Additionally, all of the loss area receives five fulltime aural services. While a majority of the gain area receives numerous fulltime aural services, there is an area comprising 200 sq. kilometers containing 4,196 persons which receives four full-time aural services. Finally, it is noted that Willits is not located within, nor adjacent to, an urbanized area.

3. Based upon the information presented in this proceeding, we will reallocate Channel 228B from Fort Bragg to Willits, California, since it is consistent with the Commission's change of community procedures. *See Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990). Willits will receive an additional local transmission outlet, thereby equalizing the level of service remaining at Fort Bragg.⁵ Therefore, in accordance with the provisions of Section 1.420(i) of the Commission's Rules, we will modify the license of Station KLLK-FM to specify operation on Channel 228B at Willits, California, in lieu of its present use at Fort Bragg, California.

4. Channel 228B can be allotted to Willits, California, in conformity with the requirements of Section 73.207(b) of the Commission's Rules, utilizing city reference coordinates at 39-24-36 and 123-21-12, as requested by the petitioner.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January 6, 1997, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the communities listed below, as follows:

| <u>City</u> | <u>Channel No.</u> |
|------------------------|--------------------|
| Fort Bragg, California | 237B1, 253B1 |
| Willits, California | 228B |

⁴As indicated above, although Station KLLK-FM currently operates on Channel 244A, as its license was modified previously to operate as a Class B facility, the gain and loss areas within the 1 mV/m signal coverage contours were calculated using Class B parameters at each community, rather than the projections proffered by petitioner based upon Station KLLK-FM's currently license Class A operation at Fort Bragg.

⁵Stations KOZT(FM), Channel 237B1, Station KSAY(FM), Channel 253B1 and fulltime AM Station KDAC are licensed at Fort Bragg.

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Henry Radio Company for Station KLLK-FM, IS MODIFIED to specify operation on Channel 228B at Willits, California, in lieu of Fort Bragg, California, subject to the following conditions:

- (a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Henry Radio Company, licensee of Station KLLK-FM, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the change in community of license.

8 . IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau